



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

(202) 692-5000

In the Matter of the

REPRESENTATION OF
EMPLOYEES

of

DAKOTA, MINNESOTA &
EASTERN RAILROAD

Maintenance of Way Employees

37 NMB No. 36

CASE NO. R-7244
(File No. CR-6974)

CERTIFICATION

April 27, 2010

The services of the National Mediation Board (Board) were invoked by the Brotherhood of Maintenance of Way Employees – Division of International Brotherhood of Teamsters (BMWED) on February 12, 2010, as amended on March 16, 2010, to investigate and determine who may represent for the purposes of the Railway Labor Act (RLA), as provided by Section 2, Ninth, thereof, personnel described as “Maintenance of Way Employees,” employees of Dakota, Minnesota & Eastern Railroad (Carrier).

At the time this application was received, these employees were unrepresented.

The Board assigned Investigator Norman L. Graber to investigate.

FINDINGS

The investigation disclosed that a majority of eligible employees in the craft or class had signed authorization cards which authorize the BMWED to represent them for the purposes of the RLA.

The investigation further disclosed that the Carrier did not object to representation of the craft or class by the BMWED.

The following is the result of the Check of Validity of the employees' signatures as reported by Investigator Graber.

<u>Number of Employees Signing Authorizations</u>	
Eligible Employees	277
Valid Authorizations	161

The Board further finds that: the Carrier and employees in this case are, respectively, a Carrier and employees within the meaning of the RLA, as amended; this Board has jurisdiction over the dispute involved herein; and the interested parties, as well as the Carrier, were given due notice of the Board's investigation.

CERTIFICATION

NOW, THEREFORE, in accordance with Section 2, Ninth, of the RLA, as amended, and based upon its investigation pursuant thereto, the Board converts NMB File No. CR-6974 to NMB Case No. R-7244 and certifies that the Brotherhood of Maintenance of Way Employees - Division of International Brotherhood of Teamsters has been duly designated and authorized to represent for the purposes of the RLA, as amended, the craft or class of Maintenance of Way Employees, employees of Dakota, Minnesota & Eastern Railroad, its successors and assigns.

By direction of the NATIONAL MEDIATION BOARD.



Mary L. Johnson
General Counsel